

**MEDICAL BOARD OF CALIFORNIA
SPECIFIC LANGUAGE OF PROPOSED REGULATIONS**

Modification to Continuing Medical Education Audit

Amend Section 1338, Title 16, California Code of Regulations to read as follows:

§ 1338. Audit and Sanctions for Noncompliance.

(a) The Board ~~division~~ shall audit ~~once~~ during each year a random sample of physicians who have reported compliance with the continuing education requirement. No physician shall be subject to audit more than once every four (4) years. Those physicians selected for audit shall be required to document their compliance with the continuing education requirements of this article on a form provided by the Board ~~division~~.

(b) Any physician who is found not to have completed the required number of hours of approved continuing education will be required to make up any deficiency during the next biennial renewal period. Such physician shall document to the Board ~~division~~ the completion of any deficient hours identified by audit. Any physician who fails to make up the deficient hours during the following renewal period shall be ineligible for renewal of his or her license to practice medicine until such time as the deficient hours of continuing education are documented to the Board ~~division~~.

(c) It shall constitute unprofessional conduct for any physician to misrepresent his or her compliance with the provisions of this article.

(d) Any physician selected for audit who has been certified as complying with the continuing education requirements of this article by those organizations listed in Section 1337, subsections (a)(1) and (a)(2), will not be required to submit documentation or records of continuing education coursework received, but the Board ~~division~~ may obtain such records directly from the certifying organizations.

(e) The Board ~~division~~ requires that each physician retain records for a minimum of four years of all continuing education programs attended which indicate the title of the course or program attended, dates of attendance, the length of the course or program, the sponsoring organization and the accrediting organization, if any, which may be needed in the event of an audit by the Board ~~division~~.

Note

Authority cited: Section 2018, Business and Professions Code.

Reference: Sections 2005 and 2190, Business and Professions Code.